HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.6673 of 2006

Date : 23-11-2006

Between:

Immanni Ramakrishna
and others .. Petitioners

And

The Commissioner,
Municipal Corporation of Rajahmundry
and others .. Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.6673 of 2006

ORDER:-

1. The petitioners filed the present Writ Petition praying for Writ of Mandamus declaring the proceedings Lr.R.O.C.No.2261/2005-G.1 dated 31-3-2005 of respondent No.1 and the consequential proceedings in Lr.R.O.C.No.4501/04/R dated 15-4-2005 as illegal, arbitrary and violative of Articles 14, 300-A of the Constitution of India apart from the provisions of the A.P.Municipal Corporations Act 1994 and consequently set aside the same and direct R.3 to grant final approval layout for the petitioners lands admeasuring Ac.6.84 cents in T.S.No.463/1, 463/2, 1100/1B, 1100/2B, 1100/5, 1097/1, 1097/2, 1100/3, 1100/4, 1097/5, 1098/4 of Hukumpet village, Hukumpet Gram Panchayat, Rajahmundry (Rural) Mandal, East Godavari District and pass such other suitable orders.

2. Counter affidavits are filed by R.1 and R.4, but wrongly shown as R.3 and the reply affidavit also had been filed.

3. The principal question which had been argued in elaboration by Sri M.S.Ramachandra Rao, the Counsel

representing the writ petitioners, Sri Vishnu Vardhan Reddy, the learned standing Counsel representing the first respondent and Sri M.Balaji, the learned Counsel representing fourth respondent is *whether the lands in question fall within the limits of Municipal Corporation of Rajahmundry or within the limits of Hukumpet Gram Panchayat and to which authority the application for approval of layout to be made and further the Counsel on record incidentally referred to the proceedings in relation thereto.*

4. It is stated that the first petitioner had purchased an extent of Ac.2.00 in T.S.No.463/1, 463/2, 1100/B, 1100/2B in Hukumpet village, Rajahmundry (Rural) Mandal, East Godavari District from its owner Medipati Jyothi, vide registered sale deed dated 30-7-2003. It is also stated that first petitioner also purchased an extent of Ac.2.00 in T.S.No.463/1, 463/2, 1100/5, 1097/1 and 1097/2 of Hukumpet village, Rajahmundry (Rural) Mandal, East Godavari District from its owner Tadi Suseela Devi vide registered sale deed dated 4-8-2003. It is further stated that the 2nd petitioner purchased an extent of Ac.2.00 I T.S.No.463/1, 463/2, 1100/3, 1100/4 of Hukumpet village, Rajahmundry (Rural) Mandal, East Godavari District from its owners Medipati Lalitha Kumari and Medipati Swapna under

registered sale deed dated 30-7-2003. It is also further stated that the 3rd petitioner also purchased an extent of Ac.1.84 cents in T.S.No.463/1, 463/2, 1100/5, 1097/1, 1097/5 and 1098/4 of Hukumpet village, Rajahmundry (Rural) Mandal, East Godavari District from its owner Medipati Suseela Devi vide registered sale deed dated 30-7-2003. It is also further stated that the petitioners are thus owners of an extent of Ac.7.84 cents in the above survey numbers in the said village and their vendors had purchased this land under registered sale deeds dated 9-5-1994, 11-5-1994, 10-5-1994 and 12-5-1994 respectively. Further specific stand is taken that the above lands fall within the jurisdiction of the 4th respondent Gram Panchayat and the collection of land revenue and issuance of pass books etc., for these lands are being done by the Mandal Revenue Officer, Bommuru and the Adangals also show the possession and enjoyment of the petitioners in relation to the said lands and the Mandal Revenue Officer, Rajahmundry (Rural), Bommuru had even issued title deeds in favour of the petitioners in relation to the said lands. It was further averred in para 5 of the affidavit filed in support of the Writ Petition that initially the Hukumpet village was also included in the erstwhile Rajahmundry Municipality vide G.O.Ms.No.159 M.A., dated 25-3-1995. It is

also stated that the Rajahmundry Municipal Corporation was created by virtue of powers conferred on the Stage Government by the Andhra Pradesh Municipal Corporations Act 1994. It is further stated that however vide G.O.Ms.No. 389, Municipal Administration and Urban Development (ELE.II) (M.A.) dt.30-8-2001, the Hukumpet village was specifically excluded from the purview of the Rajahmundry Municipal Corporation. Further it was averred in para 6 of the affidavit that as the petitioners intended to develop the above extent of Ac.6.84 cents in T.S.No.463/P, 1027(P), 1100 (P) etc., they applied initially to R.4 Gram Panchayat for sanction of layout and the petitioner paid a sum of Rs.28,000/- also by challan to the R.4 Gram Panchayat. It is further stated that the Gram Panchayat in its resolution dated 29-3-2004 noted that the proposal of the petitioners is in accordance with the layout rules and resolved to send the same to the Director of Town and Country Planning, Hyderabad (R.3) for approval. It was also further averred that on 10-2-2005 vide Lr.ROC.No.4501/04/R dt.10-2-2005 R.3 approved the tentative layout and stated that in case the tentative layout is acceptable to the petitioners, they can form roads and plots and submit the demarcated plan as per measurements on the ground and the requirement of plots etc., to R.3 through R.4 for final approval.

Further it was stated that on receipt of the information, the petitioners immediately started levelling the land, formation of roads by incurring huge expenditure in this regard. It is further stated that the first respondent came to know of this and began asserting in his correspondence with the 3rd respondent that the Hukumpet village forms part of the Rajahmundry Municipal Corporation limits and therefore the 3rd respondent has no jurisdiction to approve layouts for land within the Hukumpet village and vide letter R.O.C. No.2261/2005-G.1 dt.31-3-2005 directed R.3 not to approve any layout in the above referred T.S.Numbers and also directed that if any layout is under approval the same may be cancelled. It is also stated that basing on this letter, R.3 informed R.4 Gram Panchayat vide Lr.ROC.No.4501/04/R dt.15-4-2005 that the tentative layout issued by it is cancelled and directed it to advise the petitioners to submit layout proposals through R.1 for further action. It is further stated that the R.4 – Gram Panchayat vide Lr.No.5/2005 dt.17-5-2005 requested R.3 to withdraw its cancellation orders and approve the tentative layout granted to the petitioners and another letter dt.2-6-2005 was also addressed by R.4 to R.3 enclosing the Gazette Notification of G.O.Ms.No. 389 dt.29-8-

2001 specifically excluding the Hukumpet Gram Panchayat from the purview of the R.1. It was further stated that in the 1st week of January 2006, the officials of R.1 prevented the petitioners from carrying on the work being done on the above land alleging that the tentative layout sanctioned in their favour was cancelled and then only the petitioners made enquiries and came to know about the cancellation by R.3 on 15-4-2005 as per the instructions of R.1 dt.31-3-2005. It is further stated that the petitioners immediately gave a representation to R.3 on 14-2-2006 requesting R.3 to revise its cancellation orders dt.15-4-2005 and approved the layout plan contending that the petitioners' lands are not covered by the Rajahmundry Municipal Corporation. It is also stated that R.4 also by letter dt.16-2-2006 informed R.3 that the cancellation of the layout of the petitioners is unwarranted and requested R.3 to revise its cancellation orders dt.15-4-2005. Further it was stated by the petitioners that no prior notice was given to the petitioners before cancellation and even the said cancellation was not communicated to the petitioners till January 2006 and R.3 acting under the dictation of R.1 and cancelling the tentative layout granted in favour of the petitioners cannot be sustained and as per G.O.Ms.No. 389, Municipal Administration and Urban

Development, dt.29-8-2001 Hukumpet village stood excluded from the purview of the Rajahmundry Municipal Corporation and hence, R.1 cannot contend that the lands in question fall within the limits of R.1. It is also further stated in para 12 of the affidavit filed in support of the Writ Petition that the petitioners came to know that the Mandal Revenue Officer, Rajahmundry Urban Mandal vide ref.(B) 357/2005 dt.25/4/2005 informed the Mandal Revenue Officer, Rajahmundry (Rural) Mandal that the lands in T.S.No.442 to 464 and 938 and 939, 1038 to 1044, 1095 to 1100 are situated in Hukumpet Panchayat of Rajahmundry (Rural) Mandal and not Rajahmundry Urban Mandal and he also informed this to R.1 vide Lr.L.Dis.B.357/2005 dt.13-5-2005 and also stated that the Revenue Transactions such as collection of Land Revenue, issue of Pass Books etc., are being attended to by the Mandal Revenue Officer, Rajahmundry (Rural) only. It is further stated that the R.D.O., Rajahmundry vide ref.B/1669/2005 dt.29-6-2005 informed R.1 that T.S.Nos.440 to 464, 938, 939 and 1038 to 1044 and 1095 to 1100 of Hukumpet village are being administered by the Hukumpet village and Gram Panchayat only and they are not in the purview of the Rajahmundry Municipal Corporation. Further it was averred in para 13 of the affidavit filed in support of the

Writ Petition that even the Assistant Director, District Survey and Land Records vide R.C.No.A.1/1267/2005, dt.22-12-2005 addressed to the District Collector, East Godavari District (R.2) stating that Hukumpet village is a Zamindari village, that it was settled in the year 1957 and converted in Ryotwari under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, that while conducting Survey operations, the above T.S.Numbers were recorded as belonging to Hukumpet village in the Settlement Register of Rajahmundry village and he also stated that there is no boundary dispute between Rajahmundry town and Hukumpet village and the petitioners lands are not Government lands as per Revenue Settlement Registers and are Zeroiti lands under the occupation and enjoyment of the petitioners and he also specifically stated that R.1 had not produced any notification stating that the Hukumpet village or Gram Panchayat forms part of the Rajahmundry Municipal Corporation and therefore its claim that they fall under its limits cannot be accepted. It was further stated that notwithstanding the above material, R.3 wrote to R.4 vide Lr.D.Dis.No.4501/04/R, dt.22-3-2006 stating that R.2 had taken a view that the petitioners lands fall within R.1's jurisdiction and therefore requested R.4 to advise the petitioners to approach

R.1 for approval of layout. It is also stated that these proceedings dt.22-3-2006 of R.3 and its decision cancelling the tentative layout granted to the petitioners dt.15-4-2005 and the instructions dt.31-3-2005 of R.1 to R.3 to cancel the approved layout of the petitioners are illegal, arbitrary and violative of Article 14 of the Constitution of India and the provisions of the A.P. Municipal Corporations Act 1994 apart from being violative of principles of natural justice. In such circumstances, the writ petitioners approached this Court praying for the reliefs referred to supra.

5. In the counter affidavit filed by the first respondent specific stand was taken that the lands in question fall within the jurisdiction of the first respondent – Corporation and the writ petitioners wrongly approached the 3rd and 4th respondents and obtained tentative layout. Further specific stand was taken that the Hukumpet is a Gram Panchayat having revenue village in its jurisdiction and it does not have Town Survey numbers and it will consist of only Revenue Survey Numbers and the above said lands are under Town Survey Numbers and the petitioners suppressed this fact and obtained the tentative layout. It was stated that the first respondent has no knowledge about the

various sale deeds by virtue of which it is stated that the petitioners purchased the properties in question. Further specific stand was taken in para 5 of the counter affidavit of R.1 that the T.S.No.463/1, 463/2, 1100/1B, 1100/2B, 1100/5, 1097/1, 1097/2, 100/3, 1100/4, 1097/5 and 1098/4 of Ward No.1, Block 15, Rajahmundry town are under the jurisdiction and administration of the 1st respondent Corporation. It is stated that if any boundary disputes arise in between two local bodies, the 2nd respondent is the District authority to finalize the said dispute. It is also stated that the Town Survey Records available in the 1st respondent – Corporation, reveals that the lands had been notified as Town Survey numbers since 1923 and as such the petitioners have no right to say that the administration of the lands is within the Hukumpet Gram Panchayat. It is further stated that the said lands are just abutting the 4th respondent – Hukumpet Gram Panchayat. It is further stated that the 4th respondent proceeded may be on the opinion that the lands fall within their jurisdiction but the same had not been confirmed. It is also further stated that the issue has been placed before the District Collector – 2nd respondent and the 2nd respondent had called for remarks from Regional Deputy Director, Survey and

Land Records, Kakinada, East Godavari District, who in turn had submitted the report dt.3-2-2006 in R.O.C.No.A5/2/2006, after conducting the detailed enquiry to the 2nd respondent "stating that the said T.S.Nos. lands are under the jurisdiction of Rajahmundry Municipal Corporation as per the field measurement records of Hukumpet village and Rajahmundry Town" and in view of that there is no boundary dispute also. It is also further stated that in pursuance of the said report, the 2nd respondent informed the same to the 3rd respondent. Further in para 6 of the counter affidavit, it was pleaded that it is a fact that the Government had included the Hukumpet village in erstwhile Rajahmundry Municipality in 1995 but subsequently excluded the same and this issue does not have any relevance to the subject matter. It is also stated that the lands in Town Survey Numbers are under the administration of the 1st respondent Corporation and hence the writ petitioners wrongly approached the 3rd respondent and obtained alleged tentative layout for reasons best known to them only and the said approval is not valid as far as the administration control is concerned. It is also stated that the 4th respondent Gram Panchayat would not entertain such type of applications and it should be advised to

the individuals to approach the proper authority and the process of application by the 4th respondent does not confirm to any administration right over the above mentioned T.S.Numbers. Further it was averred that the petitioners obtained tentative layout by suppressing the true facts and several other factual details also had been denied. It was also further pleaded in para 8 of the counter affidavit of R.1 that the 4th respondent Gram Panchayat had taken administrative action on the lands where it has no jurisdiction and the same was confirmed by the 2nd respondent in his letter Dis.No.H/6/3500/205, dt.4-3-2006, and the Deputy Director, Survey & Lads Records clearly stated in his report dt.3-2-2006 that the lands in question are part of the Rajahmundry Municipal Corporation. It was also further stated that the title of the property does not change the petitioners claim and it is only the dispute of administration control over the lands in question. It was also further stated that the Gazette notification in G.O.Ms.No. 389, dt.29-8-2001, pertains to inclusion and exclusion of the Hukumpet Gram Panchayat in Rajahmundry Municipal Corporation and hence it is not relevant to the land administration in the specified Town Survey Numbers. While answering paras 11, 12, 13 to 16 it was stated that it is the administrative matter between two local bodies and

basing on the information the layout has been cancelled by rectifying the mistake. It is also stated that the 3rd had addressed a letter in D.Dis.No.4501/C4-R, dt.23-3-2006 to the 4th respondent asking to inform the petitioners to approach the 1st respondent and after issuing the notice only the 3rd respondent took the appropriate steps for cancelling the layout and hence the allegation of not issuing the prior notice is denied as baseless. It is further stated that the G.O.Ms.No.389 M.A., dt.29-8-2001 is inclusion and exclusion of 4th respondent Gram Panchayat and it does not pertain to land administration in T.S.No.463/1, 463/2, 1100/1B, 1100/2B, 1100/5, 1097/1, 1097/2, 1100/3, 1100/4, 1097/5 and 1098/4 of Ward No.1, Block 15 of Rajahmundry town and the same is confirmed by the 2nd respondent. It is also further stated that the 1st respondent Corporation earlier had forwarded a layout proposal in Rc.No.G1/1364/1971 dt.25-6-1971 in T.S.No.1099/P1 in Ward No.1, Block 15, for laying the road and the Director of Town and Country Planning, A.P., Hyderabad had approved layout pattern in L.P.No.71/71 and the same is incorporated in the Master Plan of Rajahmundry, which clearly establish the administrative control over the lands in question and hence the contentions of

the petitioners are false.

6. In the counter affidavit filed by the Sarpanch of Hukumpet Gram Panchayat, though shown as R.4 in the Writ Petition specified as “counter affidavit filed by R.3”, may be by mistake, it was stated that Hukumpet village was included in Rajahmundry Municipality vide G.O.Ms.No. 159, dt.25-3-1995, but subsequently vide G.O.Ms.No. 389, M.A., and Urban Development (ELE-II (M.A.) dt.29-8-2001 as published in A.P. Gazette it was excluded from the purview of the Rajahmundry Municipal Corporation. Further it was stated that in the said counter affidavit that it is true that the writ petitioners applied for sanction of layout to R.4 for an extent of Ac.6.84 cents in T.S.No.463/P, 1027(P), 1100 (P) etc., and also paid a sum of Rs.28,000/- by challan to R.4. It is further stated that the 4th respondent vide resolution dt.29-3-2004 after noting that proposed layout plan of petitioners is in accordance with layout Rules resolved to send the same to R.3 for approval. It is also stated that the 3rd respondent initially approved tentative layout. Thereafter the petitioners started work by leveling land, laying roads etc. It is also further stated that the first respondent appears to have issued letter of R.3 stating that lands for which

tentative layout was granted forms part of Rajahmundry Municipal Corporation and sought for cancellation of layout of petitioners. It was further stated in para 5 of the counter affidavit that R.3 vide Lr. ROC.No.450/04/R, dt.15-4-2005 intimated the 4th respondent that the layout tentatively issued stands cancelled as the lands forms part of the Rajahmundry Municipal Corporation limits and this respondent immediately upon knowledge of the same vide Lr.No.5/2005 dt.17-5-2005 requested R.3 to withdraw its cancellation orders and approve final layout as the lands fall within the jurisdiction of the 4th respondent. It was also further stated that another letter was also issued on 2-6-2005 by this respondent to R.3 enclosing the Gazette notification of G.O.Ms.No. 389, dt.29-8-2001 which specifically excluded Hukumpet Gram Panchayat from the Rajahmundry Municipal limits. Specific stand is taken that the approval of layout had been sought for by the petitioners would lie within the territorial limits of R.4.

7. A reply affidavit was filed by the petitioners substantially reiterating the same stand as pleaded in the affidavit filed in support of the Writ Petition. Further specific stand was taken in para 5 of the reply affidavit that the petitioners are concerned with T.S.No.463/1, 463/2, 1100/1B, 1100/2B, 1100/5, 1097/1,

1097/2, 1100/3, 1100/4, 1097/5, 1098/4 of Hukumpet village. It is stated that the Town Survey and Resettlement Register of Rajahmundry Town clearly indicates that T.S.No.463 and 464 D fall not in the said Rajahmundry Town but in Hukumpet village. It is also stated that as per certificate Ref.No.C/282/7/2005, dt.13-7-2006 issued by the Mandal Revenue Officer, Rajahmundry Rural, Bomuru to the 1st petitioner, T.S.Nos.1100/1B, 100/2B, 1100/5, 1097/1, 1097/2, 1100/3, 1100/4, 1097/5, 1098/4 were carved out of T.S.No.464/D only subsequently and these survey numbers are continuing in the No.3 Adangal of Hukumpet village only and are not found in the No.3 Adangal of Rajahmundry Urban and the revenue records establish the same and thus the lands in these survey numbers fall in the jurisdiction of Hukumpet village only and not in the jurisdiction of Rajahmundry Town/Municipal Corporation. It is also further stated that the respondent No.2 may be directed to produce the said records. It is further stated that the said Town Survey and Settlement Register of Rajahmundry Town was prepared on 5-7-1935 under the A.P. Survey and Boundaries Act 1923 and is binding on all including the Municipal Corporation. It is also stated that in view of the said entries in

the Town Survey and Settlement Register prepared on 5-7-1935 the manuscript of Town Survey Register prepared in the year 1923 being relied upon by the Municipal Commissioner of Rajahmundry claiming jurisdiction over the above lands has no basis and stands superseded by the final notification issued on 5-7-1935 under the A.P.Survey and Boundaries Act 1923. It was further stated that as a matter of fact, the question involved is as to whether the lands in question fall within the jurisdiction of the 4th respondent or the first respondent and for that reason only, when the Collector, E.G. District, Kakinada requested the Asst. Director of District Survey and Land Records, through his letter dated 6-7-2005 to make survey to find out whether the land in question fall within Rajahmundry Municipal Corporation limits or the Hukumpet Gram Panchayat, the Asst. Director, District Survey and Land Records through his letter dated 22-12-2005 rightly pointed out that the dispute is not a boundary dispute and the issue to be settled is whether the lands in question are within the Municipal Corporation Limits of Rajahmundry or within the limits of Hukumpet Gram Panchayat. It is further stated that in view of the same, the contention of the first respondent that R.2, the District Authority is competent to finalize the dispute has no basis at all. It is also further stated

that the contention of the first respondent that as per the Town Survey records available with it, the lands are notified as T.S.No's since the year 1923 and the petitioners have no right to say that the administration of the land is with Hukumpet Gram Panchayat, is untenable for the reasons set out above. It is also further stated that the 4th respondent acted correctly in acting on the petitioners' request for layout as it alone has jurisdiction over the land in question and the report dt.3-2-2006 of the Regional Deputy Director, Rajahmundry, relied upon by the first respondent stating that the lands are within the jurisdiction of first respondent has no basis at all. It is further stated that the Revenue Divisional Officer, Rajahmundry enquired the matter with the Mandal Revenue Officer, Rajahmundry Urban and Rural and informed to the Commissioner in Ref.B-1669/05 dated 29-6-2005 confirming that the scheduled lands are not under the purview of the Municipal Corporation, Rajahmundry. It is also stated that the 2nd respondent has again referred the matter to the Regional Deputy director of Survey and Land Records under the influence of the 1st respondent to get the adverse report on the jurisdiction of the Gram Panchayat by suppressing the records. It is also further stated that the

Regional Deputy Director is not the competent authority to decide the issue as per the Acts and Laws in force. It is also stated that the Regional Deputy Director, Survey and Land Records had relied upon the unauthenticated town survey register of 1923 and he has not examined the reasons why for all the previous years 1st respondent had not filed any objection to the notification issued on Settlement Officer of village No.66, Rajahmundry in 1935, or the remarks offered against the subject lands in the settlement Register. It is further stated that as and when a notification is issued on the survey settlement operations in 1935, it supersedes any preexisting survey such as the one of 1923 being relied on by the 1st respondent. It is also further stated that the Regional Deputy Director failed to examine the revenue records or Panchayat records viz., Settlement Register of V.No.66, Rajahmundry, adangals of Rajahmundry and Hukumpet villages together with the tax collection particulars over the petition scheduled lands. It is further stated that this reveals the total lack of knowledge of the Deputy Director regarding use of available revenue records and that no reliance can be placed on the proceedings of the Regional Deputy Director, Survey and Land Records. Further it was stated that the Pattedar Pass Books and other revenue

records of the above lands are being maintained under A.P. Record of Rights in Land and Pattedar Passbooks Act 1989 only by the Mandal Revenue Officer, Rajahmundry (Rural) who has jurisdiction over Hukumpet village and not Mandal Revenue Officer, Rajahmundry (Urban) and this clearly established that the petition scheduled lands are under the purview of the Hukumpet Revenue village and not Rajahmundry. Further it was stated that the second respondent addressed a letter Ref.H6/3500/2005 dt.31-12-2005 to the first respondent asking him to furnish the Municipal notification issued from his office regarding the jurisdiction of the 1st respondent over the petition schedule lands and the first respondent was unable to furnish any such notification to the 2nd respondent. It was further stated in para 7 of the reply affidavit that issuance of letter by R.3 to R.4 asking R.4 to tell the petitioners to approach R.1 for sanction of layout does not amount to issuance of notice to the petitioners before cancelling the layout and that there is a clear violation of principles of natural justice by R.3. It is also further stated that as regards the reference to the Master Plan by R.1, it is stated that the said Master Plan was formed under S.14(3) of the A.P.(Andhra Area) Town Planning Act 1920 and merely

sanctioned a General Town Planning scheme of land within the Rajahmundry Municipality and also for the surrounding areas in the vicinity including the surrounding villages such as Hukumpet. It is also stated that therefore no reliance can be placed by R.1 on the Master Plan also as a source of his alleged jurisdiction over the lands in question. It is stated that the Master Plan referred to above was published in the A.P. Gazette on 13-11-1975 and was issued vide G.O.Ms.No.465, M.A., dt.29-10-1975. It is also further stated that no documents relating to the alleged action of R.1 in forwarding layout proposal relating to land in T.S.No.1099/P.1 in the said village have been filed by R.1 and even assuming for the sake of arguments without conceding the same to be true, it does not and cannot confer any jurisdiction for the first respondent over the land in question. Several other factual details also had been explained and the stand in relation thereto had been specifically answered and certain aspects specifically denied too in the reply affidavit.

8. At the outset, it may be appropriate to have a look at G.O.Ms.No.389, Municipal Administration & Urban Development (Ele.II) (M.A.), dt.29-8-2001 which reads as hereunder:-

THE ANDHRA PRADESH GAZETTE
PART I – EXTRAORDIARY
PUBLISHED BY AUTHORITY

- - - -

5. Bommuru -do-
6. Hukumpet -do-
7. Satelite City -do-
8. Palacherla Rajangaram
9. Lalacheruvu -do-
10.Diwancheruvu -do- .

M. SAHOO
SECRETARY TO GOVERNMENT

It is needless to say that Hukumpet is shown at Serial No.6. The resolution made by the Gram Panchayat dt.29-3-2004 is not in dispute. The approval made by R.3 in relation to the tentative layout in Lr. R.O.C.No.4501/04/R, dt.10-2-2005 also is not in dispute. The Lr.R.O.C.No.2261/2005-G1 dated 31-3-2005 reads as hereunder:-

MUNICIPAL CORPORATION :: RAJAHMUNDRY

From:
Dr.T.S.R.Anjaneyulu, M.A., Ph.D.,
&
Commissioner,
Municipal Corporation,
Rajahmundry.

To
The Director of Town
Country Planning,
640, AC Guards,
Hyderabad.

Letter R.O.C.No.2261/2005-G1, dated -3-2005.

Sir,

Sub:- Municipal Corporation, Rajahmundry approval of layout in Block No.15, T.S.Nos.459, 460, 463, 464 D, 461, 462, 464A, 464C, 464B, 1099/1B2, 1098, 1100 & 464 D/1. 2, 3, 4, 5 opposite to the Rajahmundry Railway Station (Eastern side) – Cancellation – Regarding.

-: o0o :-

It is brought to the notice that Block No.15, T.S.Nos.450, 460, 463, 464 D, 461, 462, 464A, 464C, 1099/1B2, 1098, 1100 & 464 D/1, 2, 3, 4, 5 opposite to the Rajahmundry Railway Station (Eastern Side) as per Town Survey Records of the year 1923 all the said lands are within Rajahmundry Municipal Corporation limits.

In view of the above, I request you not to approve any layout in the above specified Survey numbers if any proposal sent by the Panchayat Secretary, Hukumpet Gram Panchayat. Further, if any layout is under approval and the same may be cancelled and no proposal is sent by Rajahmundry Municipal Corporation to the Director of Town and Country Planning for approval in the said Survey Numbers so far.

Yours faithfully,
Sd/- 31-3-2005
Commissioner,
Municipal Corporation,
Rajahmundry.

On 15-4-2005 the Director of Town & Country Planning, Government of Andhra Pradesh – R.3 herein addressed the Panchayat Secretary, Hukumpet in Lr.ROC.No.4501/04/R, dt.15-4-2005 as hereunder:-

GRAMS: 'STAPATI' Phone: 23323176

GOVERNMENT OF ANDHRA PRADESH

From:
The Director of Town & Country Planning,
Govt.of A.P., 640, AC Guards, Hyderabad

To
Panchayat Secretary
Hukumpet

Lr.ROC.No.4501/04/R, dt.15-4-2005

Sir,

Sub:- Layouts – Hukumpet G.P. – Layout in R.S.No.463/Part 1097/P, 1098 and T.S.No.1100/1B, 2B, 3 & 4 – Tentative layout cancellation – Reg.

Ref:- 1. Your lr.ROC.No.Nil, dt. Nil
2. Lr.Roc.No.1106/2004/R.1, dt.5-10-04 of RDDTB, RJY
3. T/o Lr.Roc.No.4501/2004/R.2, dt.10-2-2005.
4. Lr.Roc.No.2261/2005/01 Dt.31-3-2005 of CMC RJY.

-: o0o :-

I enclose herewith a copy of reference 4th cited, and it is observed that the tentative layout suggested in S.No.463(P), 107/P, 1098 and T.S.No.1100/1B, 2B, 3 to 4 as covered by the

Municipal limits of Rajahmundry Municipal Corporation.

In view of the above, the tentative layout issued by this department is cancelled and you are requested to advise the applicant to submit the layout proposals through Municipal Corporation, Rajahmundry for taking further action in the matter.

Yours faithfully,
Sd/-
For DIRECTOR

Encl: As above.

The Panchayat Secretary, Hukumpet Gram Panchayat on 17-5-2005 addressed a letter to the Director, Town and Country Planning, narrating all the facts and made a request to drop the letter relating to the cancellation of layout and approve the tentative layout. On 2-6-2005 also the Panchayat Secretary, Hukumpet Gram Panchayat addressed a letter No.8/2005, dt.2-6-2005 to the Director of Town and Country Planning, wherein the copy of the Gazette Notification G.O.Ms.No. 389, M.A. & U.D., dt.28-8-2001 was enclosed. As per the material placed before this Court, there is some correspondence in relation thereto. The Mandal Revenue Officer, Rajahmundry Urban addressed a letter dt.13-5-2005, which reads as hereunder:-

L.Dis.B.357/2005, dt. -4-2005 Mandal Revenue Officer,

Rajahmundry Urban.

From:
Sri K.Narasimha Murthy, B.A., B.Ed.,
Mandal Revenue Officer,
Corporation,

To
The Commissioner,
Municipal

Rajahmundry Urban. *Rajahmundry.*

Sir,

Sub:- Lands – Rajahmundry Urban Mandal and Town – Land in Municipal Corporation limits – S.No.442 to 459 to 463, 464/B, C, D, D/1,2,3,4 and 5 1099/1 B2, 1098 and 1100 in Block No.15, Ward No.1 Eastern Side of Railway Station – Clarification – Reg.

Ref:- 1. Letter R.O.C.No.21/94/2004-G1, dt.6-4-2005 of the Commissioner, Municipal Corporation, Rajahmundry Urban.

2. Report of the Mandal Dy.Surveyor Rajahmundry Urban.

-: o0o :-

I invite kind attention to references cited and submit that the T.S.Nos.442 to 464, 938, 939, 1038 to 1044, 1095 to 1100 are at present under the jurisdiction of Rajahmundry Rural Mandal. The Revenue transactions such as collection of land revenue, issue of pass books etc., are being attended by the Mandal Revenue Officer Rural at Bommuru.

In view of the above, the Mandal Revenue Officer, Rajahmundry Rural may be addressed in the matter.

Encl: As above.

Yours faithfully,
Sd/- 13-5-2005
Mandal Revenue Officer,
Rajahmundry Urban.

Copy submitted to the Revenue Divisional Officer, Rajahmundry for favour of information along with reference 1st cited.

Copy to the Mandal Revenue Officer, Rajahmundry Rural along with reference 1st cited.

Likewise, the Revenue Divisional Officer, Rajahmundry Urban addressed a letter to the Commissioner, Municipal Corporation, Rajahmundry – first respondent as hereunder:-

Ref.B/1669/05 dt.29-6-2005 *Sub Collector's Office,*

Rajahmundry.

From: *To*

Sri T.Manikyala Rao, B.Com.,
Revenue Divisional Officer,
Corporation,
Rajahmundry.

The Commissioner,
Municipal
Rajahmundry.

Sir,

Sub:- Lands – Rajahmundry Urban Mandal and Town – Hukumpet village of Rajahmundry Rural Mandal – R.S.No.442 to 464 and 938, 939 and 1038 to 1044 and 1095 to 1100 of Hukumpet village – Clarification – Reg.

Ref:- 1. Letter R.O.C.No.21/94/2004-G1, dt.6-4-2005.
2. L.Dis.B/357/2005, dt.13-5-2005 of MRO, Rajahmundry Urban.
3. Ref.C/282/05, dt.2-6-05 of MRO Rajahmundry Rural.
4. Resolution No.15 dt.4-6-05 of Gram Panchayat, Hukumpet.

-: o0o :-

I invite attention to the references cited.

On perusal of reports received 2nd to 4th cited and on verification of records it was confirmed that T.S.Nos.440 to 464 and 938, 939 and 1038 to 1044 and 1095 to 1100 are in the purview of the Hukumpet Revenue village and Gram Panchayat, as the land administration is being done by the Hukumpet village of Rajahmundry Rural, Mandal.

As such the above T.S.Nos.440 to 464, 938, 939 and 1038 to 1044 and 1095 to 1100 are not in the purview of the Municipal Corporation, Rajahmundry.

Yours faithfully,
Sd/-
T.Manikyala Rao,
Revenue Divisional Officer,
Rajahmundry Urban.

// By order//

Sd/- Administrative Officer,

Copy to the Mandal Revenue Officer, Rajahmundry Urban for information.
Copy to the Mandal Revenue Officer, Rajahmundry Rural for information.
Copy to the Gram Panchayat, Hukumpet (v), Rajahmundry Rural Mandal for information.

Copy submitted to the Collector, East Godavari District, Kakinada for information.

Likewise, the Assistant Director, District Survey and Land Records, addressed a letter to the Collector, East Godavari District, Kakinada wherein it was stated as hereunder:-

GOVERNMENT OF ANDHRA PRADESH
SURVEY AND LAND RECORDS DEPARTMENT

From:
Sri P.Seemayya
Assistant Director,
District,
District Survey and Land Records,
D.No.14-7-1, Sree Ram Nagar,
Kakinada.

To
The Collector,
East Godavari
Kakinada.

Rc.A.1/1267/2005, dated 22-12-2005

Sir,

Sub:- Survey – Hukumpet Gram Panchayat – Approval of

Layout in T.S.No.463 parts, 1027, 1100/parts, etc., to an extent of Ac.6-83 cents in favour of Sri E.Ramakrishna and others – Report – Submitted – Reg.

Ref:- Ref.H6/3500/2005, dated 6-7-2005 of the Collector,
Kakinada.

-: o0o :-

Kind attention is invited to the reference cited, wherein the Collector, E.G. District, Kakinada pleased to instruct to submit a report on the status of the lands in T.S.No.463 pt etc., of Hukumpet (v), which were claimed by the Municipal Corporation, Rajahmundry as belonging to their limits.

It is submitted that the survey operations of Rajahmundry Municipality were conducted in the year 1923, and as per the extract of the Manuscript Settlement Register, held by the Municipal Corporation, the classification and other particulars of

the related survey numbers are furnished hereunder on which the Collector called for the factual report.

Ward No. & Block No.	*T.S.No.*	*Classifi-cation*	*Extent Ac.Sq.ft*	*Govt*	*Remarks*
1-15	*459*	*Govt*	*18-2265*		*Taluk Board Cultivation*
	460	*Inam*	*7-*	*611*	*J.Amrutha Lingam Cultivation*
	461	*Inam*	*9-436*	*610*	*S.Narasimham Cultivation*
	462	*Municipal*	*3-1742*		*Road Bommuru Road*
	463	*Inam*	*4-33106*		*J. Amrutha Lingam Cultivation*
	464A	*GP*	*0-19166*		*Director of Industries and Commerce*
	464B	*GP*	*0-11325*		*Director of Industries and Commerce*
	464C	*GP*	*0-18731*		*Changes as per TRN Ref/B2-8A.d0/66 dt.30.01.1957*
	464 D1	*GD*	*64-36123*		*Cultivation*
	464 D2	*GP*	*3-34880*		*Director of Industries and Commerce changes as per TRN Ref.B2-8A.30/66 dt.30-01-57.*
	1097	*GD*	*9-17123*		*Emmani Rama Krishna and others 9 (as per Adangal)*
	1098	*GD*	*7-18818*		*Boppana Krishna Murthy and others (as per Adangal)*
	1099/1B1	*GP*	*0.14656*		*SCR*
	1B2	*GD*	*9.30197*		*- - -*
	1100/1A *1B* *2B*	*GP*	*0.01340* *0.15617* *0.16584*		*Railway line* *Boppanna* *Satyam* *Pendyala* *Satyam*
1-12	*1027*	*Govt.Dry*	*0.653sft*		*Guruvilli Lachanna*

The above information revealed that Rajahmundry Municipality has right over the land in TS.No.462 which is a Road and the lands in TS No.464A, B, C and D.2 were acquired on the requisition of the Director of Industries and Commerce and changes were incorporated as Government Poramboke. The other lands were recorded as cultivable lands.

After preparing draft Notification (ie) Manuscript of the Survey operations of Village No.66, Rajahmundry (V) of erstwhile Rajahmundry Taluk, and after calling objections as per Survey and Boundary Act 1923 the final publication got published on 5-7-1935 and the above TS Nos. were recorded to be belonging to Hukumpet (V). It seems that the Rajahmundry Municipality has not filed any objection in recording the above Survey Numbers along with certain other Survey fields as belonging to Hukumpet (V). When the publication became final, the old Survey conducted earlier deemed to be cancelled and previous draft notification (ie) manuscript held by the Municipality became infructuous. Hukumpet (v) is Zamindari village.

V.No.67, Hukumpet (V) of erstwhile Rajahmundry Taluk which is a Zamindari village settled in the year 1957 and converted in Rytwari under Madras Estates (Abolition and Conversion into Rytwari) Act 1948. While conducting survey operations and settlement of the

Zamindari village, the said TS numbers which were recorded as belonging to Hukumpet (v) in the Settlement Register of V.No.66, Rajahmundry (v) were ignored for better unknown reasons and Hukumpet village was settled. The Notification u/s.5 was published on 28-11-1957 and u/s.13 on 23-8-1971. Neither the Municipality nor the Enjoyers claimed for inclusion of the lands with TS Nos. in the Settlement Register of V.No.66, Rajahmundry in the Settlement Register of V.No.67, Kukumpeta (v). The Settlement Officer, who settled the V.No.67 has not also observed the lands recorded in RSR of V.No.66 and belongs to V.No.67 Hukumpet (v).

The TS Nos.464/1, 464/2, 464/3 or Ward No.1 & Block No.15 which were shown as Gayalu were assigned to Siriyala Appalaswamy, whereas TS No.464-D was subdivided and changes incorporated as follows:

T.S.No.	*Classifi-cation*	*Extent Ac. Sq.ft.*	*Name of the Pattedar*

464D	*Dry*	*61-42729*	*1. Babu Samar Saheb* *2. Choppara Subbanna* *3. Nidamarthi Jala Durga Prasada Rao* *4. Kantana Dorayya*
464E	*Govt.*	*1-38244*	*Govt. Road*
464F	*Dry*	*4-33590*	*1. Nidamarthi Jala Durga Prasada Rao* *2. S. Parimalavathi.*

The changes were incorporated as per 8A-9/48 dt.23-11-48 and the T.S.Nos.464-D & 464 F were shown to be Zeroiti lands but not Poramboke/Assigned/AW lands. In the subsequent changes made as per A-30/66, dt.30-1-57, the land in T.S.No.464-D1 was shown as AW-GD.

The Inspector-II of Survey and Land Records, Kakinada who enquired and submitted his report in the matter has reported that the lands in T.S.Nos.463 are Inam lands and the lands in T.S.No.464 D are Government lands.

But neither the Municipal records nor the revenue record of Rajahmundry village proved the lands in 464 D are Government lands since the lands in T.S.Nos.464-D are classified as G.Dry lands and they are under cultivation as per Municipal Records. The same has also been found in subsequent changes made in the Settlement Register V.No.66 Rajahmundry village.

The present dispute is not related to the boundaries of Rajahmundry and Hukumpet villages. But the main issue to be settled is whether the lands in the T.S.Nos. are under the jurisdiction of Rajahmundry Municipal Corporation or included in Hukumpet Gram Panchayat. The Municipal notification is required to decide this issue. If the area in question was notified in the Municipal Notification would be a conclusive proof of its inclusion of Municipal limits. But the Notification has not been produced by Rajahmundry Municipal Corporation.

The Rajahmundry Municipal Corporation is claiming the above T.S.Numbers are related to them basing only on the information available in manuscript Town Survey Register which was prepared at the time of draft notification in 1923 prior to the final Notification in 1935 and which is not bearing the signatures of the Settlement Officers.

A perusal of the records available, it was revealed as follows:-

a) The other lands in T.S.No.s 460, 1099 which were recorded as belonging to Hukumpet (v) were acquired for SC Railways in 8A022/79, dt.28-05-70 and 13/92 dt.6-10-92 and it seems that compensation was paid to the land owners

b) The ownership of the lands were got verified during 1982 and 1998 and pattedar pass books were issued to the land owners by the Tahsildar, Rajahmundry and Mandal Revenue Officer, Rajahmundry (R).

c) The Panchayat Secretary, Hukumpet (v) reported that the house site plans in the said T.S.No.s are being approved by the Gram Panchayat, Hukumpet and House taxes are being collected by them.

d) The Mandal Revenue Officer, Rajahmundry (U) reported that the above T.S.No.s are not related to Urban Mandal.

e) The Mandal Revenue Officer, Rajahmundry (R) reported that the above said T.S.No.s pertain to Hukumpet village of Rajahmundry Rural Mandal.

f) The Revenue Divisional Officer, Rajahmundry reported that the above survey numbers are in the purview of the Hukumpet village of the Rajahmundry Rural Mandal by his letter No.B/1669/05 to the Commissioner, Municipal Corporation, Rajahmundry.

g) The said T.S.No.s are being recorded in the Adangal and other Village Accounts of Hukumpet for a long time.

The above mentioned lands are not Govt. lands as per Revenue Settlement Registers and also as per the extracts furnished by the Municipality. They are Zeroiti lands under the occupation and enjoyment of the pattedars or successors.

According to the S & B the common boundaries between Rajahmundry Town and Hukumpet village are tallying. There is no boundary dispute. But, the issue is relates to possession only. The Settlement Officer or Revenue Authorities may settle the possession.

The record collected from the department is herewith submitted for perusal.

Yours faithfully,
Sd/- xxxx

Encl: As mentioned above.

// true copy//

It may be appropriate to have a look at the letter Dis.H6/3500/2005, dt.4-3-2006, from Collector's Office, Kakinada addressed to the Director of Town & Country Planning, by the Joint Collector which reads as hereunder:-

Dis.H6/3500/2005, dt. 04-03-2006 *Collector's Office, Kakinada*

From: *To*

Sri Praveen Prakash, IAS *The Director of Town*

Collector & District Election Officer, *& Country Planning,*

East Godavari, Kakinada *640, A.C.Guards,*

Hyderabad

Sir,

Sub:- LAND – East Godavari District – Hukumpet Gram Panchayat – Approval of layout in Survey Numbers 463/P, 1027/P and 1100/P etc., measuring an extent of Ac.6.83 cts – Report submitted – Regarding.

Ref:- 1. Lr.Roc.No.4501/2004R, dt.16-6-2005 of the Director of Town & Country Planning, Hyderabad.

2. Rc.No.A5/2/06, dt.3-2-2006 of the Regional Deputy Director, Survey & Land Records, Kakinada.

-: o0o :-

I invite kind attention to the references cited.

I submit that in the reference 1st cited it was requested to clarify as to whether the lands in T.S.No.463/P, 1097/P, 1098 & 1100/1B etc., measuring an extent of Ac.6.83 cts., fall in Rajahmundry Municipal Corporation or in Hukumpet Gram Panchayat of East Godavari District.

The matter has been referred to Regional Deputy Director, Survey & Land Records, Kakinada to examine the issue in this regard. The Regional Deputy Director, Survey & Land Records, Kakinada has submitted his report in the reference 2nd cited stating that the Town Surveyor of Rajahmundry Municipal Corporation has already demarcated the said land with reference to

Town Survey Records and came to conclusion that these lands come under the Rajahmundry Municipal Corporation. He further reported that Mandal Survey of Rajahmundry (Rural) also surveyed the said land and confirmed that it comes under Rajahmundry Municipal Corporation only. He also reported that the Deputy Inspector of Survey, Rajahmundry Division also agreed with the reports of Town Survey of Rajahmundry Municipal Corporation & Mandal Survey of Rajahmundry (Rural). And further he reported that Assistant Director, Survey & Land Records, Kakinada also reported that there is no dispute about these lands between Rajahmundry Municipal Corporation and Hukumpet Gram Panchayat. He finally concluded that it is crystal clear that as per the present field measurement records of Hukumpet village & Rajahmundry Municipal Corporation, the above T.S.No.s fall under the Rajahmundry Municipal Corporation only.

I enclose herewith the report of the Regional Deputy Director, Survey and Land Records, Kakinada.

Yours faithfully,
Sd/- M. Dana Kishore,
Joint Collector,
East Godavari District, Kakinada.

//B.O.//
Sd/-
Superintendent.

The 3rd respondent – the Director of Town & Country Planning addressed a letter to the Panchayat Secretary, Hukumpet Gram Panchayat in Lr.D.Dis.No.4501/04/R, dt. 22-3-2006 which reads as hereunder:-

GRAMS: 'STAPATI' *PHONE: 23323176*

GOVERNMENT OF ANDHRA PRADESH

FROM:
The Director of Town & Country Planning, Govt. of A.P.

TO
The Panchayat Secretary
Hukumpet GP,
Rajahmundry Rural,

640, A.C.Guards *East Godavari District.*
Hyderabad

Lr.D.Dis.No.4501/04/R dt.22-3-2006

Sir,

Sub:- Hukumpet G.P. Approval of layout in R.S.No.463/P, 1027/P, 1100/P to an extent of Ac.6.83 cents information submitted – Reg.

Ref:-
1. *Your lr.Roc.No.NIL, Dt.NIL.*
2. *Lr.Roc.No.1106/2004/R, Dt.5-10-2004 of RDDTP, Rajahmundry*
3. *T/o.Lr.Roc.No.4501/2004/R, dt.10-2-2005 to you copy to RDDTP, Rajahmundry.*
4. *Lr.Roc.No.2261/2005/G dt.31-3-2005 of CMC RJY*
5. *T/o.Lr.Roc.No.4501/04/R, dt.15-4-2005 to you and RDDTP.*
6. *Your Lr.Roc.No.5/05, dt.17-5-2005.*
7. *T/o. Lr.Roc.No.4501/04/R, dt.16-6-2005 to Collector, E.G.Dist. copy to you and CMC RJY*
8. *Your Lr.Roc.No.8/2005, dt.2-6-2005 to this office copy to RDDTP RJY*
9. *Lr.Roc.No.1105/2004/R, dt.13-7-2005 of RDDTP RJY*
10. *Repn. Of Sri V.Veeraraju, Sarpanch Hukumpet.*
11. *Repn of Sri I.Ramakrishna and others*
12. *Lr.D.Dis.No.6/2500/2005, dt.4-3-2006 of Collector & District Election Officer, East Godavari District, Kakinada.*

-: o0o :-

I enclose herewith a copy of reference 12th cited wherein the District Collector has reported that the said survey numbers fall in Rajahmundry Municipal Corporation, for your reference and request you to advise the land owners of the site under reference to approach the Municipal Corporation for approval of layout.

Further it is to inform you that the earlier issued technical layout pattern by this office stands cancelled based on the District Collector report.

Yours faithfully,
Sd/-

For DIRECTOR.

Copy to Municipal Corporation, Rajahmundry.

Copy to Regional Dy. Director of Town Planning, Rajahmundry.

The Regional Deputy Director, Survey and Land Records addressed a letter Rc.No.A5/2/06, dt. 3-2-2006 to the Collector and District Magistrate, East Godavari, Kakinada, wherein it was specified as hereunder:-

Government of Andhra Pradesh
Survey and Land Records Department

From
Sri K.Devadas, M.A., LL.B.,
Regional Deputy Director,
Survey and Land Records,
1-10-1A/2, Sriram Nagar
Kakinada – 533 003.

To
The Collector &
District Magistrate,
East Godavari,
Kakinada

Rc.No.A5/2/06, dated 3-2-2006.

Sir,

Sub:- Hukumpet G.P. – Approval of the layout in R.S.No.463/Parts, 1027/parts and 1100/parts to an extent of Ac.6.83 in favour of Sri E.Ramakrishna and others – Clarification called for – Report – Submitted.

Ref:- 1. Ref.H6/3500/2005, dt. 31-12-2005 of the Collector, East Godavari, Kakinada.
2. This Office Rc.A5/2/06, dt. 24-1-2006.

-: o0o :-

1. I invite kind attention to the reference 1st cited and submit that the District Collector, East Godavari, Kakinada has requested the Regional Deputy Director, Survey and Land Records, Kakinada to examine the issue and send a clear cut report on the above subject.

2. In response to the above, the Regional Deputy Director, Survey and Land Records, Kakinada called the Assistant Director, District Survey and Land Records, Kakinada, Deputy Inspector of Survey, Rajahmundry, Town Surveyor of Rajahmundry Municipal Corporation, and both the Mandal Surveyors of Rajahmundry (Rural) and Rajahmundry (Urban) along with connected records for

discuss the above issue on 2-2-2006 vide this office reference 2nd cited. Accordingly, I discussed the issue. The Town Surveyor of Rajahmundry has informed that, he demarcated the said land with reference to the Town Survey records, the said lands come under the Rajahmundry Town and he also informed that, there is no boundary dispute between Rajahmundry Town and Hukumpet village of Rajahmundry (Rural) Mandal on the ground.

3. The Mandal Surveyor of Rajahmundry (Rural) informed that he surveyed the said land and said property is not comes within the limits of Hukumpet village of Rajahmundry (Rural) Mandal and he also informed that there is no boundary dispute between Hukumpet village of Rajahmundry (Rural) and Rajahmundry Town, on the ground. The Deputy Inspector of Survey of Rajahmundry Division is also agreed the above statement given by the Town Surveyor of Rajahmundry and Mandal Surveyor of Rajahmundry (Rural). The Assistant Director, District Survey and Land Records, Kakinada has also reported that there is no boundary dispute between Rajahmundry Town and Hukumpet village of Rajahmundry (Rural) Mandal on the ground

4. On verification of Re-settlement Register of Rajahmundry Town, it is noticed in Column No.12 i.e., Remarks column the T.S.No.s 459, 460, 461, 463, 464/D and 1100 are joined in the Hukumpet village of Rajahmundry (Rural) Mandal. On further verification of Survey and Land Records of Hukumpet village of Rajahmundry (Rural) Mandal, there are only 111 survey Nos, the survey No. stated in Re-settlement Register of Rajahmundry Town were not recorded in the Survey and Settlement Records of Hukumpet village of Rajahmundry Rural Mandal even though the Survey Settlement Operations were conducted after Town Survey of Rajahmundry.

5. In this regard it is submitted that the remarks offered in Column No.12 of Re-settlement Register of Rajahmundry Town has not honoured due to unknown reasons. Further, how the Revenue Officers are confirmed that the above Town Survey Numbers land administration is being done by the Hukumpet village of Rajahmundry Rural is not known to this office. I ascertained from the Assistant Director, District Survey and Land Records, Kakinada, he informed that he is also not aware of it.

6 . After thorough discussion with the above Survey Officers, I feel that there is no necessity for me, to make field inspection. Therefore, the paper documents furnished to this office

and discussed thereon, it is crystal clear that the present Field measurement records of Hukumpet village and Rajahmundry Town, the T.S.No. (Town Survey Numbers) are comes under the Rajahmundry Town.

This is for favour of information.

Yours faithfully
Sd/-
Regional Deputy Director

Copy to the Assistant Director, District Survey and Land Records, East Godavari District, Kakinada for information and necessary action.

9. On appreciation of the respective pleadings of the parties, the respective stands taken by the parties and also the different proceedings referred to supra, it appears to be clear that the lands in question or controversy are within the near vicinity of Rajahmundry Municipal Corporation. It is also pertinent to note that the 4th respondent Gram Panchayat is asserting that these lands fall within the limits of the said Gram Panchayat whereas the 1st respondent – Municipal Corporation on the other hand asserting that these lands would fall within the limits of the Municipal Corporation of Rajahmundry. It is no doubt true that in the event of any confusion or the boundary dispute, it may be that the concerned Revenue authorities and the authorities concerned with the Survey may have to decide the same. But, however, in the light of the specific assertion by the concerned Gram Panchayat – Respondent No.4 that these

lands fall within the limits of the Gram Panchayat and also in the light of the G.O.Ms.No. 389, Municipal Administration & Urban Development (Ele.II))(M.A.) dt. 29-8-2001 referred to supra, whereunder Hukumpet Gram Panchayat was excluded from the purview of the Rajahmundry Municipal Corporation, as such, the only question that may have to be decided is whether the lands in question in fact fall within the limits or domain of Gram Panchayat – 4th respondent or within the limits or domain of the 1st respondent – Rajahmundry Municipal Corporation. Any amount of assertion or denial in this regard may not be of much help. It is no doubt true that the Revenue authorities had taken a separate stand but this will not alter the situation in any way for the reason that unless this area is a notified area and included within the limits of Municipal Corporation of Rajahmundry, the mere fact that these lands are just adjacent or within the near vicinity of the Municipal Corporation by itself cannot cloth the 1st respondent – Municipal Corporation with any authority whatsoever to claim that the Municipal Corporation as such would have domain or control over these properties. Except placing reliance on some correspondence and in the light of the reports ultimately cancelling the tentative layout already which had been approved, no other convincing or acceptable material

in relation to the inclusion of the lands in question within the limits of the Municipal Corporation had been shown or established and hence the resolution made by the 4th respondent – Gram Panchayat and the ultimate approval and tentative layout in relation to the lands in question, falling within the said limits of the Gram Panchayat cannot be found fault in any way unless otherwise the 1st respondent - Corporation is able to establish that these lands, in fact, fall within the notified Municipal Corporation limits of the first respondent – Municipal Corporation. This Court is conscious of the fact that there may be some monetary gain for the writ petitioners in getting this layout approved by making application to the 4th respondent – Gram Panchayat instead of the 1st respondent – Municipal Corporation. It may be that in the event that these lands being considered to be the within the limits of the 1st respondent – Municipal Corporation, the Municipal Corporation may get some benefit out of the present layout approval and the requisite amounts to be paid in this regard in relation to such approved layout, plots etc., in accordance with the provisions of the relevant statutes, Rules or Regulations or bye-laws, as the case may be. However, when the writ petitioners are able to clearly

establish by placing acceptable material that the lands in question do fall within the limits of the 4th respondent – Gram Panchayat only, this Court is left with no other option to hold that the cancellation of the tentative layout already approved in the facts and circumstances cannot be sustained. It is needless to say that in the light of the series of proceedings referred to supra, the writ petitioners are bound to succeed and accordingly, the Writ Petition is allowed. Inasmuch as, the controversy is in relation to whether the lands in question, in relation to which the tentative layout had been approved, would fall within the 1st respondent – Municipal Corporation limits or 4th respondent – Gram Panchayat limits, the parties to the litigation are directed to bear their own costs.

_____

Justice P.S.Narayana

November, 2006

Note: LR Copy to be marked (Yes/No)
(B/o. SMR)